

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MAXIE D. REEVES,)	
)	
Plaintiff,)	
)	
v.)	2:05-cv-01219-DRB
)	[wo]
JO ANNE B. BARNHART,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER ON MOTION

On July 28, 2006, this court entered a *Final Judgment* remanding this case to the Commissioner of Social Security for further proceedings pursuant to *sentence four* of 42 U.S.C. §405(g). (Docs. 20 and 21). Submitted now is the *Application for Attorney Fees Under the Equal Access to Justice Act* ("EAJA"), filed by Plaintiff Maxie D. Reeves ("Plaintiff") on August 3, 2006, and duly docketed as a *Motion* (Doc. 23). The Commissioner "has no objection to Plaintiff's request for attorney fees and expenses under the EAJA [and] agrees Plaintiff should be compensated for the filing fee . . . from Judgment Fund administered by the United States Treasury." (*Defendant's Response*, Doc. 26, Aug. 17, 2006).

Plaintiff seeks a total award of \$4,451.83, consisting of \$4,162.15 for attorney's fees to counsel of record, John F. Cameron, Jr.; \$39.68 as expenses; and \$250.00 as the filing cost. Plaintiff's *Motion* is timely filed, and he is a "prevailing party" within the meaning of 28 U.S.C. §2412(d)(1)(A), in that the court remanded this case for further consideration. Plaintiff has documented inflationary increases in the consumer price index which authorize an increase from the \$125.00 hourly fee specified in the EAJA to the requested hourly rate of \$154.44. This hourly

rate is reasonable as are the 26.95 hours expended for itemized legal services between August 30, 2005 and August 3, 2006. The court also finds reasonable the claimed expenses for postage, photocopying, facsimile and Lexis Nexis research services as well as the filing costs.

Accordingly, it is the

ORDER, JUDGMENT, and DECREE of this court that Plaintiff's *Motion* (Doc. 23) is **GRANTED** as follows:

1. Plaintiff's *Motion* for an award of attorney's fees and expenses is **GRANTED** in the total amount of **\$4,201.83**.
2. Plaintiff's *Motion* for reimbursement of the filing fee is **GRANTED**, pursuant to 28 U.S.C. §2412(a)(1) and 28 U.S.C. §1920(1), in the total amount of **\$250.00** as a **judgment for costs**.

DONE this 18th day of August, 2006.

/s/ Delores R. Boyd

DELORES R. BOYD

UNITED STATES MAGISTRATE JUDGE